

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EUGENIA SONG,

No. 3:23-cv-00407-HZ

Plaintiff,

OPINION & ORDER

v.

COLUMBIA UNIVERSITY and
PETER COLEMAN, PhD,

Defendants.

HERNÁNDEZ, District Judge:

Pro se Plaintiff Eugenia Song brings this action against Columbia University and Dr. Peter Coleman. Plaintiff moves to proceed *in forma pauperis* [5].¹ Because Plaintiff has minimal income and assets, the Court grants the motion. However, for reasons explained below, the Court dismisses the Complaint [2] without prejudice.

STANDARDS

A complaint filed *in forma pauperis* (“IFP”) may be dismissed at any time, including before service of process, if the court determines that:

¹ Plaintiff’s initial application to proceed in form pauperis [1] is incomplete. Plaintiff submitted a new application in response to the Court’s Order to provide more information.

(B) the action or appeal—

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2); *see also Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (*sua sponte* dismissals under section 1915 “spare prospective defendants the inconvenience and expense of answering” complaints which are “frivolous, malicious, or repetitive”); *Lopez v. Smith*, 203 F.3d 1122, 1126 n.7 (9th Cir. 2000) (section 1915(e) applies to all *in forma pauperis* complaints, not just those filed by inmates). A complaint is frivolous “where it lacks an arguable basis in law or in fact.” *Neitzke*, 490 U.S. at 325; *Jackson v. State of Ariz.*, 885 F.2d 639, 640 (9th Cir. 1989). A complaint fails to state a claim when it does not contain sufficient factual matter which, when accepted as true, gives rise to a plausible inference that defendants violated plaintiff’s constitutional rights. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 556–57 (2007). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678.

As the Ninth Circuit has instructed, however, courts must “continue to construe pro se filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). A pro se complaint “must be held to less stringent standards than formal pleadings drafted by lawyers.” *Id.* (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam)). A pro se litigant will be given leave to amend his or her complaint unless it is clear that the deficiencies of the complaint cannot be cured by amendment. *Lopez*, 203 F.3d at 1130–31.

DISCUSSION

Plaintiff has failed to state a claim on which this Court may grant relief. Plaintiff alleges that Teachers College, an affiliate of Columbia University in New York City, “routinely engages in psychology research of fellow faculty and incoming members of the student body.” Compl. 6, ECF 2. According to Plaintiff, the university has routine contact with the United States Army for the purposes of this research. Plaintiff claims that she suffers prolonged effects of this research conducted on her many years ago when she was a student. She seeks injunctive relief and \$19 million in damages. Compl. 4, 6.

Though Plaintiff alleges that the basis for the Court’s jurisdiction is “federal technology,” she has not stated a claim under any federal statute, treaty, or provision of the Constitution. Nor has Plaintiff, a resident of Texas, explained why venue is proper in the District of Oregon. In addition, the Court cannot discern a cognizable legal claim from Plaintiff’s allegations.

CONCLUSION

Plaintiff’s application for leave to proceed IFP [5] is GRANTED. Plaintiff’s Complaint [2] is DISMISSED with leave to amend. Plaintiff may file an amended complaint, curing the deficiencies noted above, within 30 days of this Order. The Clerk shall not issue a summons without direction from the Court.

IT IS SO ORDERED.

DATED: April 18, 2023.



MARCO A. HERNÁNDEZ
United States District Judge